

February 9, 2009

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TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
FEBRUARY 9, 2009

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN  
FRANCIS BEDETTI, JR.  
PAT TORPEY  
JAMES DITTBRENNER

ALSO PRESENT: MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
ZONING BOARD ATTORNEY

MYRA MASON  
ZONING BOARD SECRETARY

ABSENT: KATHLEEN LOCEY

REGULAR\_MEETING

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MR. KANE: I'd like the call to order the February 9,  
2009 meeting of the New Windsor Zoning Board of  
Appeals.

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PRELIMINARY\_MEETINGS:

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AUTO\_ZONE\_(09-04)

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MR. KANE: Tonight's first preliminary meeting is Auto Zone proposed variance request for 8 parking spots, 62 required, 54 provided at New York State Route 94 in a C zone. Anybody here for Auto Zone? Okay, we'll move Auto Zone to the back of the very short list.

WESTAGE\_(09-05)

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MR. KANE: Next up is Westage, proposed one additional pole sign and 23.2 square foot total for all signs.

Mr. Ted Petrillo appeared before the board for this proposal.

MR. KANE: You want to state your name for the young lady and speak loud enough for her to hear you?

MR. PETRILLO: Ted Petrillo, Westage Companies. We're here this evening seeking a variance for some additional square footage to a site monument sign that we would like to place in addition to the site monument sign that's already on the site. I think in the board's packages I've made some extra copies for everybody, I'm not sure who all is interested or should get these.

MS. MASON: We have all these.

MR. PETRILLO: I didn't know if we sent you enough copies, that's a photograph of the existing sign, four different versions of a sign specifically for the Heart Center, it's a duplication of this sign that we would like to place 150 feet away. Last year we constructed a second 12,000 square foot building on the site of which the Heart Center is the sole occupant so our objective here is to try and give them a dedicated project sign for that 12,000 square foot building which you're seeing a rendering of here and taking the existing sign and relocate it so that the existing buildings would have multiple tenants shown on it. Our application was an additional square footage to what's allowed to the 64 square feet, I think the difference is the peaked part of the sign which we think gives it some character, the actual area where the tenants' names go meets the 64 square foot size.

MR. KANE: Mike, quick question to clarify. Since the Heart Center is going to be in a totally separate building because it's on one lot therefore they get one pole sign, doesn't matter how many individual buildings, wall signs would be different.

MR. BABCOCK: That's correct.

MR. KANE: They can have separate wall signs but still one pole sign.

MR. BABCOCK: Yes, they can.

MR. PETRILLO: There's an allowance in the code if there was a second building to put a second monument sign as long as it had 150 foot separation so we're trying to adhere to that part of the code that says 150 feet apart, separate them enough in order to create the two signs.

MR. KANE: We'll check on that, Mike, I'm not, don't know on that one.

MR. BABCOCK: Okay, I'm not familiar with that, I think they're 300 feet apart.

MR. PETRILLO: I'm incorrect.

MR. BABCOCK: The center line is 150 so it would be 300 feet between the two signs.

MR. PETRILLO: Separate identify, gives the Heart Center their own identity as per this rendering. The other sign, the existing one would be, would have separate tenancies shown on it.

MR. BABCOCK: There's a section of the code that talks about two signs where there's two entrances to a project and it ends up by stating that it must be approved by the planning board, that's a section that

you're talking about.

MR. KANE: So we'll look into that for the public hearing.

MR. BABCOCK: Well, the problem with that is to send him back to the planning board is a process for a sign, he has to be here tonight because the signs are the square footage.

MR. KANE: Right.

MR. BABCOCK: I think it would be in his best interest to continue with the variance for two signs without going back to the planning board.

MR. KANE: For the two pole signs.

MR. BABCOCK: Since he's here for a second sign he would get two variances for the same price and same time whether he gets one variance for size.

MR. KANE: And the 23.2 total sign thing that's for all the sign packages on the property, right?

MR. BABCOCK: That's correct.

MR. KANE: So we're adding 23.2 feet to it?

MR. BABCOCK: No, that's for each sign, the logo where it says the office or the Heart Center is 4 x 8 which is allowed, once we count the peak of the sign in the entire sign that's why he needs the square footage.

MR. PETRILLO: There was a variance previously granted for this sign as it exists for the additional square footage of the peak.

MR. BABCOCK: So he only needs the variance for the one sign for the additional.

MR. PETRILLO: For the second new sign which would match the first.

MR. KANE: Second new sign and square footage for the peak on the top is what we're talking about on the second sign?

MR. PETRILLO: Right.

MR. BABCOCK: That's correct.

MR. DITTBRENNER: Now, is there a second entrance for this building?

MR. PETRILLO: Yes, there's two entrances both off Route 207.

MR. DITTBRENNER: Is this sign going to be illuminated or non-illuminated, exterior or interior?

MR. PETRILLO: Exterior illuminated lights remote similar to how this sign is illuminated in the pictures, actually, in the front section you can see the lights there.

MR. TORPEY: The lights are shining on it?

MR. PETRILLO: Yes.

MR. KANE: The lights in no way inhibit the oncoming traffic?

MR. PETRILLO: No.

MR. KANE: Non-flashing?

MR. PETRILLO: Right, the sign lights are focusing on the signs themselves. We've had no complaints of them being visible to traffic.

MR. KANE: Any further questions at this point?  
Anything you think we need? I'll accept a motion.

MR. BEDETTI: I'll make a motion that we schedule a  
public hearing for the Westage request for additional  
pole sign and additional square footage for that sign.

MR. TORPEY: I'll second that.

ROLL CALL

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|-----------------|-----|
| MR. DITTBRENNER | AYE |
| MR. BEDETTI     | AYE |
| MR. TORPEY      | AYE |
| MR. KANE        | AYE |

MR. PETRILLO: Schedule a date for--

MS. MASON: Give me a call tomorrow and I'll explain  
everything to you, okay?

MR. PETRILLO: Thank you.

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AUTO\_ZONE\_(09-04)

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MR. KANE: One more time I'll ask if Auto Zone is here?  
If not, we'll go to the public hearings.

PUBLIC\_HEARINGS:

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WILLIAM\_MC\_WILLIAMS\_(09-01)

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MR. KANE: William McWilliams request for 9 foot 4 inch rear yard setback for proposed addition at 465 Jackson Avenue in an R-1 zone.

Mr. Joseph Minuta appeared before the board for this proposal.

MR. MINUTA: Good evening, ladies and gentlemen, Joseph Minuta, Minuta Architecture here with Samantha Shoenberger from my office and Mr. McWilliams in the audience. We're here for a variance for a rear yard, pretty simple, actually, we can't really expand out anyplace else on the property at this point. Property predates a lot of the zoning and construction and things of that nature so what we're planning on is in addition to the rear yard which will make the home more usable for the family and in order to do that we have come up with a design plan and with that it's come down to a variance request for the rear yard and that's why we're here this evening.

MR. BABCOCK: Mr. Chairman, the problem is the time this house was built. Do we know when the original house was built?

MS. SHOENBERGER: 1900.

MR. BABCOCK: Prior to the last zoning change the requirement for the rear yard was 40 feet so now it's 50 because of the new zone change, this house won't be subject to that, the existing house.

MS. KANE: Okay, Joe cutting down any substantial vegetation and trees in the building of the addition?

MR. MINUTA: No, in fact, we're salvaging the larger

oaks.

MR. KANE: Creating water hazards or runoffs?

MR. MINUTA: No.

MR. KANE: Any easements running through the area where you propose to put the new deck in addition?

MR. MINUTA: No.

MR. KANE: With the adding to the addition to the house does it keep the house the same size and nature as other homes in that particular neighborhood?

MR. MINUTA: Within the area, yes.

MR. KRIEGER: When you say you're preserving an oak, is that part of the consideration of where you put the addition?

MR. MINUTA: Yes, in fact, if you take a look on the plan here we show the oak tree and we show the drip line of that and we're not exceeding that.

MR. KRIEGER: It's part of the consideration?

MR. MINUTA: Yes, it's part of the consideration.

MR. KRIEGER: And for the record, this is an individually shaped property?

MR. MINUTA: Yes.

MR. KRIEGER: Not standard?

MR. MINUTA: No, it's not a standard shape lot, as you would see in one of today's modern subdivisions.

MR. KANE: Okay, at this point, I'll open it up to the

audience, ask if there's anybody here for this particular hearing? Yes?

MR. CONKLIN: Ira Conklin, we're at 443 Jackson Avenue, New Windsor and we surround Bill and Lynn's house and they're great neighbors, I think that what they need to do, you know, what they have to do is fine with us. We kind of surround them, their house, we'd like to keep them as neighbors, so it would be good if they'd be granted the variance.

MR. KANE: Okay, very good, thank you. Anybody else? Seeing as there's not, we'll close the public portion of the hearing and ask Myra how many mailings we had.

MS. MASON: On the 29th day of January, we mailed out 12 addressed envelopes and had no response.

MR. KANE: Any further questions?

MR. BEDETTI: Are you the nearest neighbor?

MR. CONKLIN: Yes.

MR. MINUTA: Their property adjoins to the back.

MR. BABCOCK: Do you have a map there?

MR. KANE: Right back there.

MR. CONKLIN: We kind of surround their house and also my dad who's at 439 Jackson Avenue is in Florida now and he also has no objections also so--

MR. KANE: No further questions, I'll accept a motion.

MR. DITTBRENNER: I move we approve the request of William McWilliams for a variance at 465 Jackson Avenue for a request for 9 foot 4 inch rear yard setback.

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MR. BEDETTI: I'll second it.

ROLL CALL

MR. DITTBRENNER     AYE

MR. BEDETTI         AYE

MR. TORPEY           AYE

MR. KANE             AYE

MR. MINUTA: Thank you.

REORGANIZATION\_MEETING

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MR. KANE: One last call for Auto Zone? Okay, then what we need to do is our reorganization meeting. Got to reorganize. I don't mind staying as chairman if you guys want me to do it. How do you guys want me to handle it?

MR. BEDETTI: That's fine.

MS. KANE: Okay, so you want to keep the status quo?

MR. DITTBRENNER: Yes.

MR. BEDETTI: Yes.

MR. KANE: Which would be me and Kathy's the first alternate.

MR. BEDETTI: That's fine.

MR. TORPEY: Yes.

MR. KANE: All right, we have to vote.

MR. BEDETTI: Do you need a motion?

MR. KANE: Yeah, I think we've got to do it efficiently otherwise somebody will be complaining I wore a baseball hat to the meeting like I did once.

MR. DITTBRENNER: I would move that we continue Mr. Kane as chairman in the current position and as alternate we place Kathy Locey as vice chair or alternate chair.

MS. KANE: Vice chair and then we maintain Fran.

MR. DITTBRENNER: Continue to maintain Fran as stenographer and continue to maintain Andy as counsel.

MR. BEDETTI: I'll second that.

ROLL CALL

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|-----------------|-----|
| MR. DITTBRENNER | AYE |
| MR. BEDETTI     | AYE |
| MR. TORPEY      | AYE |
| MR. KANE        | AYE |

MR. KANE: Motion to adjourn?

MR. BEDETTI: So moved.

MR. TORPEY: Second it.

ROLL CALL

|                 |     |
|-----------------|-----|
| MR. DITTBRENNER | AYE |
| MR. BEDETTI     | AYE |
| MR. TORPEY      | AYE |
| MR. KANE        | AYE |

Respectfully Submitted By:

Frances Roth  
Stenographer

